

## YEAS—17.

Bell,	Harrison,	Knittel,
Camp,	Houston of Bexar,	Peacock,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Terrell,
Hall,	Kilgore,	

## NAYS—7.

Calhoun,	Kleberg,	Stinson,
Farrar,	Shannon,	Woods,
Getzendaner,		

## ABSENT, NOT VOTING.

Glasscock,	Pfeuffer.
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By leave, the following bill was introduced by Senator Pope:

"An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution."

Referred to Committee on Internal Improvements. Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 137, being "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1878, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Calhoun,  
The Senate adjourned till ten o'clock to-morrow morning.

## FORTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, February 28, 1885. }

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Houston of Wheeler:

Petition of citizens of Wilbarger county against the leasing of the school lands.

Referred to Committee on Public Lands.

## REPORTS OF STANDING COMMITTEES.

By Senator Stinson:

COMMITTEE ROOM,  
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 222, entitled "An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,  
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 238, being "An act to create the Webb county land district," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,  
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 207, entitled "An act to provide and make an appropriation for the payment of fees in felony cases, due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Under the law now in force, the fees of sheriffs and clerks become due upon a final judgment of the court, which does not appear to have been had in these cases; and, at all events, the records could be substituted, and applicants' fees obtained by this means.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 241, entitled "An act making appropriations for certain deficiencies," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill was read first time.

Senator Terrell made the following report for the special free conference committee:

COMMITTEE ROOM,  
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your free conference committee to whom was referred the differences between the two houses on substitute House bills Nos. 13, 61, 64, 104 and 161, have had the same under consideration and respectfully recommend the adoption of the following as a substitute for the first section of the bill, to-wit:

Section 1. Be it enacted by the Legislature of the State of Texas, That section 71 of the above entitled act shall be so amended as to read as follows:

Sec. 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Caldwell, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harrison, Hays, Henderson, Hidalgo, Hopkins, Houston, Jackson, Jasper, Jefferson, Karnes, Lamar, La Salle, Lee, Liberty, Limestone, Marion, Mason, Matagorda, McMullen,

Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presido, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Stephens, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wharton and Zapata.

J. O. TERRELL,  
J. P. FOWLER,  
M. Y. RANDOLPH,  
FOSTER of Grayson,  
W. O. HAMILTON.

On motion of Senator Kleberg,

The report of the free conference committee was adopted.

Senator Farrar sent up the following report of special committee:

A SUPPLEMENTARY REPORT OF PRAIRIE VIEW NORMAL SCHOOL.

While the many efforts are being made by the faculty of this school to amply carry out the designs and contemplations of the law pertaining to this school in the way of instructing the many teachers who have chance to attend, it is impossible for them to do so, however anxious the students may be to apply themselves, from the simple fact the capacity of the buildings is insufficient to accommodate even the present attendance of the school. The faculty state they have twenty-seven female students in seven small rooms, making three in some rooms and four in the others, besides their beds, trunks, tables and chairs. This is evidently very uncomfortable for students to do well in studying. We noticed, too, the chapel, in which the entire school often meets, has two and three students to the desk.

We think an appropriation made in this direction will add much to the advancement of this school, in which hundreds of teachers are to be instructed, that they may infuse knowledge throughout this State among the colored race, and by educating them make them true, honest and good citizens.

J. H. STEWART.

By leave Senator Getzendaner sent up the following report.

COMMITTEE ROOM,  
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 252, entitled "An act to authorize the Comptroller of Public Accounts to extend the time for a forced collection of taxes by seizure and sale of personal property till the first of July, 1885," have had the same under consideration and instruct me to report it back with the recommendation that it do not pass.

To defer the time for seizure and sale of personal property for collection of taxes would in effect defer the time for collection of taxes on real estate by seizure, for the reason that personal property must be exhausted before real estate can be seized and sold for taxes.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

Senator Shannon, chairman of special committee to report programme on the part of the Senate and the House of Representatives in the ceremonies of laying the corner stone of the new State Capitol, on March 2, reported:

That the members of the Legislature, or so many thereof as see fit, are invited to join in the procession in front of the Temporary Capitol.

Senator Peacock offered the following resolution:

BILLS AND RESOLUTIONS.

Resolved, That all ex-Senators of the State of Texas who may be present in the city of Austin on March 2 proximo, are

invited to join the Senate in procession, at the laying of the corner stone of the new State Capitol.

Adopted.

Senator Glasscock offered the following resolution:

Resolved, That the Senate hold two sessions per day on and after Tuesday, March 3, 1885.

Lays over under the rules.

By Senator Jones:

"An act for the more efficient management of the charitable and penal institutions of the State of Texas.

Referred to Committee on Penitentiaries.

By Senator Kleberg:

"An act for the relief of certain railroads."

Referred to Committee on Internal Improvements.

On motion of Senator Kleberg,

House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up as unfinished business, and passed to third reading.

Read third time and passed by the following vote:

YEAS—22.

Bell,  
Calhoun,  
Camp,  
Evans,  
Garrison,  
Getzendaner,  
Glasscock,  
Hall,

Harrison,  
Houston of Wheeler,  
Jerdone,  
Jones,  
Kilgore,  
Kleberg,  
Knittel,

Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Stinson,  
Terrell,  
Woods.

NAYS—1.

Peacock.

ABSENT, NOT VOTING.

Farrar,

Fowler,

Houston of Bexar.

Senator Houston of Wheeler moved to reconsider the vote just taken, and to lay that motion on the table.

Adopted.

Senator Shannon moved to postpone the special orders and take up bills on third reading.

Adopted.

Senate bill No. 100, "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,' approved March 28, 1883," was laid before the Senate, read third time and passed.

Senator Getzendaner moved to reconsider the vote passing the bill and to lay that motion on the table.

Adopted.

House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read second time, with majority (unfavorable) and minority (favorable) reports.

Senator Randolph moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—2.

Garrison,

Randolph.

## NAYS—20.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Camp,	Jones,	Shannon,
Evans,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

## ABSENT, NOT VOTING.

Farrar,	Houston of Bexar,	Houston of Wheeler.
Fowler,		

Senator Shannon moved that the majority report, which kills the bill, be adopted.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has moved a reconsideration of its action upon Senate concurrent resolution No. 6, on the twenty-seventh instant, and request the return of said resolution to the House, in order that it may conclude consideration of and action upon the same.

A. D. SADLER, Chief Clerk.

On motion of Senator Houston of Wheeler,  
The request was granted.

The President gave notice of signing House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

(Senator Peacock in the chair.)

House bill No. 428, "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," was laid before the Senate on its second reading, and read second time.

On motion of Senator Terrell,

The bill was postponed and made special order for Wednesday, after morning call, and from day to day till disposed of, and 100 copies of the bill ordered printed.

On motion of Senator Stinson,

Senate bill No. 210, "An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22, 1879," was taken up out of its regular order and read second time.

On motion of Senator Kleberg,

The report of the committee was adopted, the present bill being considered.

Senator Bell offered the following amendment:

Amend line 14, page 1, by striking out the words "district in which such counties or either of them may be situated," and inserting in lieu thereof "the other county."

Senator Terrell offered the following substitute for the amendment:

Provided further, that said suit shall not be brought in the district court of any county interested in the subject matter involved, but may be brought in the district court of any adjoining county.

Withdrawn.

Senator Fowler offered the following substitute for the amendment:

Amend so as to authorize suit in either county interested.

Adopted.

The amendment as substituted was adopted.

Senator Glasscock moved to amend by adding, after the word "by," the words "both or either of."  
Adopted.

Senator Terrell offered the following amendment:

Amend by striking out all after the word "boundary," in line 17, to the word "provided," in line 1 of page 2, and inserting "Provided, that in said trial the only question to be determined shall be the true locality of the boundary line as defined by the statutes of this State."

Senator Houston of Bexar moved the previous question.

Seconded, and main question ordered.

The amendment of Senator Terrell was adopted by the following vote:

## YEAS—19.

Calhoun,	Houston of Bexar,	Peacock,
Camp,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon,
Glasscock,	Kleberg,	Terrell,
Hall,	Knittel,	Woods.
Harrison,		

## NAYS—5.

Bell,	Getzendaner,	Stinson.
Farrar,	Pfeuffer,	

## ABSENT, NOT VOTING.

Evans,	Jones.
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The bill was ordered engrossed.

On motion of Senator Farrar,

Senate bill No. 188, "An act to amend section 13 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Farrar offered the following amendment:

Amend by adding sections 2 and 3, as follows:

Sec. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said courts by the passage of this act.

Sec. 3. The early day when the Legislature will adjourn creates an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on those several days, and it is so suspended.

Adopted, and the bill was ordered engrossed.

On motion of Senator Farrar,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

## YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

## NAYS—none.

## ABSENT, NOT VOTING.

Hall,	Houston of Wheeler,	Pope.
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The bill was read third time and passed.

On motion of Senator Houston of Bexar,

Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was taken up and made the special order for Tuesday after morning call, and one hundred copies of the bill were ordered printed.

On motion of Senator Houston of Bexar,

Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was taken up and made special order for Tuesday after the first special order after morning call.

On motion of Senator Jones,

Senate bill No. 245, "An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof," was taken up and made special order for Thursday, after morning call, and from day to day till disposed of.

On motion of Senator Jones,

Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes," etc., was made special order for Thursday after morning call, and from day to day till disposed of.

On motion of Senator Houston of Bexar,

Senate bill No. 175, "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," was taken up and made the special order for Friday, after morning call, and from day to day till disposed of.

On motion of Senator Fowler,

Senate joint resolution No. 10, delivering the property known as the Alamo to the city of San Antonio, was taken up, read second time and ordered engrossed.

On motion of Senator Houston of Wheeler,

Senate bill No. 244, "An act to create the Harde-man land district," was taken up read the second time.

Senator Houston of Wheeler, offered to amend by striking out the word "Childress" wherever it occurs.

Adopted.

The bill was ordered engrossed.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and the bill placed on its third reading by the following vote:

YEAS—24.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Evans,

Pfeuffer.

The bill was read third time and passed by the following vote:

YEAS—24.

Bell,	Camp,	Farrar,
Calhoun,	Evans,	Fowler,

Glasscock,	Houston of Wheeler,	Peacock,
Hall,	Jerdone,	Pope,
Garrison,	Jones,	Randolph,
Getzendaner,	Kilgore,	Stinson,
Harrison,	Kleberg,	Terrell,
Houston of Bexar,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer,

Shannon.

The following message was received from the Governor and read:

EXECUTIVE OFFICE, STATE OF TEXAS  
AUSTIN, February 28, 1885

To the Senate:

I ask your consent to the following appointments:

A. W. Moursand, to be judge in the thirty-third district.

J. H. Burts to be Assistant Attorney General.

R. M. Swearingen to be State Health Officer.

T. J. Goree to be Superintendent of Penitentiaries.

JOHN IRELAND, GOVERNOR

On motion of Senator Kilgore,

Senate bill No. 162, "An act to amend article 4489, title 90 of the Revised Statutes," was taken out of its regular order and read second time.

Senator Kilgore offered the following amendment

Amend by adding section 2:

Sec. 2. The fact that there is now no law in force authorizing the service of non-resident defendants in suit to land, or to remove cloud from such title, creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several readings, and that this act take effect and its force from and after its passage.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Kilgore,

The constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

The bill was read the third time and passed the following vote:

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleburg,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer.

On motion of Senator Getzendaner,  
Senate bill No. 44, "An act to provide for the

vestment of the public free school fund," the second special order. was laid before the Senate, and read second time with committee amendments.

The amendments were adopted, and

The bill was ordered engrossed.

Senator Pope introduced the following concurrent resolution:

Resolved by the Senate and House of Representatives of Texas, That the use of the hall of the Capitol be tendered Mr. John O'Brien, sculptor, for the purpose of placing on exhibition the marble bust of General Sam Houston.

Adopted.

Senator Randolph moved to adjourn till ten o'clock Tuesday morning.

Senator Woods moved to amend by striking out "Tuesday" and inserting in lieu thereof "Monday."

Accepted, and

The motion as amended was adopted, and

The Senate adjourned till ten o'clock Monday morning.

#### FORTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock to-morrow morning.

#### FORTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, March 3, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor, the reading of the journal of Saturday was disposed with.

#### BILLS AND RESOLUTIONS.

Senator Evans:

An act to amend article 3994, of title 80 of the Revised Civil Statutes, approved April 4, 1881."

Referred to Committee on Public Printing.

By Senator Kilgore:

An act to regulate railroads in the State of Texas and their charges for freight and passengers, and to prevent discrimination between any such railroads in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies

in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor."

Referred to Committee on Internal Improvements.

By Senator Jerdone:

"An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c."

Referred to Judiciary Committee No. 1.

On motion of Senator Getzendaner, Senator Farrar was excused for the week.

On motion of Senator Kleberg, Senator Knittel was excused for the day.

On motion of Senator Calhoun, Senator Houston of Wheeler was excused for the day.

On motion of Senator Bell,

Mr. Finley, Engrossing Clerk, was excused from Saturday till Wednesday.

Senator Kleberg moved to suspend the special orders and take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted.

The ayes and nays were called for.

Senator Woods raised the point of order that the decision had been announced and the call for the ayes and nays was out of order.

The point of order was sustained.

Senator Terrell moved to reconsider the vote just taken.

Adopted by the following vote:

#### YEAS—17.

Bell,	Getzendaner,	Shannon,
Calhoun,	Houston of Bexar,	Stinson,
Camp,	Jerdone,	Terrell,
Davis,	Jones,	Traylor,
Fowler,	Pfeuffer,	Mr. President.
Garrison,	Randolph,	

#### NAYS—10.

Evans,	Kilgore,	Perry,
Glasscock,	Kleberg,	Pope,
Hall,	Peacock,	Woods.
Harrison,		

The motion of Senator Kleberg to suspend the regular order was lost by the following vote:

#### YEAS—13.

Calhoun,	Jones,	Perry,
Camp,	Kilgore,	Pope,
Evans,	Kleberg,	Terrell,
Hall,	Peacock,	Woods.
Jerdone,		

#### NAYS—13.

Bell,	Glasscock,	Randolph,
Davis,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Stinson,
Garrison,	Pfeuffer,	Traylor.
Getzendaner,		

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools out-